

health standards shall be considered to be also variances under the Construction Safety Act. Any variance from a construction safety or health standard which is contained in this part and which is incorporated by reference in part 1910 of this title shall be deemed a variance from the standard under both the Construction Safety Act and the Williams-Steiger Occupational Safety and Health Act of 1970.

### § 1926.3 Inspections—right of entry.

(a) It shall be a condition of each contract which is subject to section 107 of the Contract Work Hours and Safety Standards Act that the Secretary of Labor or any authorized representative shall have a right of entry to any site of contract performance for the following purposes:

(1) To inspect or investigate the matter of compliance with the safety and health standards contained in subpart C of this part and following subparts; and

(2) To carry out the duties of the Secretary under section 107(b) of the Act.

(b) For the purpose of carrying out his investigative duties under the Act, the Secretary of Labor may, by agreement, use with or without reimbursement the services, personnel, and facilities of any State or Federal agency. Any agreements with States under this section shall be similar to those provided for under the Walsh-Healey Public Contracts Act under 41 CFR part 50-205.

### § 1926.4 Rules of practice for administrative adjudications for enforcement of safety and health standards.

(a) The rules of practice for administrative adjudications for the enforcement of the safety and health standards contained in subpart C of this part and the following subparts shall be the same as those published in part 6 of this title with respect to safety and health violations of the Service Contract Act of 1965 (69 Stat. 1035), except as provided in paragraph (b) of this section.

(b) In the case of debarment, the findings required by section 107(d) of the Act shall be made by the hearing examiner or the Assistant Secretary of

Labor for Occupational Safety and Health, as the case may be. Whenever, as provided in section 107(d)(2), a contractor requests termination of debarment before the end of the 3-year period prescribed in that section, the request shall be filed in writing with the Assistant Secretary of Labor for Occupational Safety and Health who shall publish a notice in the FEDERAL REGISTER that the request has been received and afford interested persons an opportunity to be heard upon the request, and thereafter the provisions of part 6 of this title shall apply with respect to prehearing conferences, hearings and related matters, and decisions and orders.

### § 1926.5 OMB control numbers under the Paperwork Reduction Act.

The following sections or paragraphs each contain a collection of information requirement which has been approved by the Office of Management and Budget under the control number listed.

29 CFR citation	OMB control No.
1926.33 .....	1218-0065
1926.50 .....	1218-0093
1926.52 .....	1218-0048
1926.53 .....	1218-0103
1926.59 .....	1218-0072
1926.60 .....	1218-0183
1926.62 .....	1218-0189
1926.64 .....	1218-0200
1926.65 .....	1218-0202
1926.103 .....	1218-0099
1926.200 .....	1218-0132
1926.250 .....	1218-0093
1926.251 .....	1218-0233
1926.403 .....	1218-0130
1926.404 .....	1218-0130
1926.405 .....	1218-0130
1926.407 .....	1218-0130
1926.408 .....	1218-0130
1926.453(a)(2) .....	1218-0216
1926.502 .....	1218-0197
1926.503 .....	1218-0197
1926.550(a)(1) .....	1218-0115
1926.550(a)(2) .....	1218-0115
1926.550(a)(4) .....	1218-0115
1926.550(a)(6) .....	1218-0113
1926.550(a)(11) .....	1218-0054
1926.550(a)(16) .....	1218-0115
1926.550(b)(2) .....	1218-0232
1926.550(g) .....	1218-0151
1926.552 .....	1218-0231
1926.652 .....	1218-0137
1926.703 .....	1218-0095
1926.800 .....	1218-0067
1926.803 .....	1218-0067
1926.900 .....	1218-0217
1926.903 .....	1218-0227
1926.1080 .....	1218-0069
1926.1081 .....	1218-0069

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29 CFR citation	OMB control No.
1926.1083 .....	1218-0069
1926.1090 .....	1218-0069
1926.1091 .....	1218-0069
1926.1101 .....	1218-0134
1926.1103 .....	1218-0085
1926.1104 .....	1218-0084
1926.1106 .....	1218-0086
1926.1107 .....	1218-0083
1926.1108 .....	1218-0087
1926.1109 .....	1218-0089
1926.1110 .....	1218-0082
1926.1111 .....	1218-0090
1926.1112 .....	1218-0080
1926.1113 .....	1218-0079
1926.1114 .....	1218-0088
1926.1115 .....	1218-0044
1926.1116 .....	1218-0081
1926.1117 .....	1218-0010
1926.1118 .....	1218-0104
1926.1127 .....	1218-0186
1926.1128 .....	1218-0129
1926.1129 .....	1218-0128
1926.1144 .....	1218-0101
1926.1145 .....	1218-0126
1926.1147 .....	1218-0108
1926.1148 .....	1218-0145

[61 FR 5509, Feb. 13, 1996, as amended at 63 FR 3814, Jan. 27, 1998; 63 FR 13340, Mar. 19, 1998; 63 FR 17094, Apr. 8, 1998; 64 FR 18810, Apr. 16, 1999]

### Subpart B—General Interpretations

AUTHORITY: Sec. 107, Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 333).

#### § 1926.10 Scope of subpart.

(a) This subpart contains the general rules of the Secretary of Labor interpreting and applying the construction safety and health provisions of section 107 of the Contract Work Hours and Safety Standards Act (83 Stat. 96). Section 107 requires as a condition of each contract which is entered into under legislation subject to Reorganization Plan Number 14 of 1950 (64 Stat. 1267), and which is for construction, alteration, and/or repair, including painting and decorating, that no contractor or subcontractor contracting for any part of the contract work shall require any laborer or mechanic employed in the performance of the contract to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health or safety, as determined under construction safety and health standards promulgated by the Secretary by regulation.

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#### § 1926.11 Coverage under section 103 of the act distinguished.

(a) *Coverage under section 103.* It is important to note that the coverage of section 107 differs from that for the overtime requirements of the Contract Work Hours and Safety Standards Act. The application of the overtime requirements is governed by section 103, which subject to specific exemptions, includes: (1) Federal contracts requiring or involving the employment of laborers or mechanics (thus including, but not limited to, contracts for construction), and (2) contracts assisted in whole or in part by Federal loans, grants, or guarantees under any statute "providing wage standards for such work." The statutes "providing wage standards for such work" include statutes for construction which require the payment of minimum wages in accordance with prevailing wage findings by the Secretary of Labor in accordance with the Davis-Bacon Act. A provision to section 103 excludes from the overtime requirements work where the Federal assistance is only in the form of a loan guarantee or insurance.

(b) *Coverage under section 107.* To be covered by section 107 of the Contract Work Hours and Safety Standards Act, a contract must be one which (1) is entered into under a statute that is subject to Reorganization Plan No. 14 of 1950 (64 Stat. 1267); and (2) is for "construction, alteration, and/or repair, including painting and decorating."

#### § 1926.12 Reorganization Plan No. 14 of 1950.

(a) *General provisions.* Reorganization Plan No. 14 of 1950 relates to the prescribing by the Secretary of Labor of "appropriate standards, regulations, and procedures" with respect to the enforcement of labor standards under Federal and federally assisted contracts which are subject to various statutes subject to the Plan. The rules of the Secretary of Labor implementing the Plan are published in part 5 of this title. Briefly, the statutes subject to the Plan include the Davis-Bacon Act, including its extension to Federal-aid highway legislation subject to 23 U.S.C. 113, and other statutes subject to the Plan by its original terms, statutes by which the Plan is expressly